REMARKS

This application has been carefully reviewed in light of the Office Action dated November 19, 2004. Claims 1 to 20 and 22 to 25 are in the application, of which Claims 1, 17 and 20 are independent. Claims 22 to 25 have been newly added. Reconsideration and further examination are respectfully requested.

Claims 1 to 20 were rejected for obviousness-type double patenting over Claims 1 to 20 of U.S. Patent No. 6,320,769 (Kurokami '769). Reconsideration and withdrawal of the rejections are respectfully requested.

Applicant's undersigned representative wishes to make a record of a telephonic interview initiated by the Examiner on October 4, 2004. During the interview the Examiner indicated that he was prepared to issue a double-patenting rejection over Kurokami '769, and suggested that the case would be allowable if the features of Claims 11 and 12 were incorporated into independent Claims 1 and 17. At the time, Applicants declined to accept the Examiner's suggestion. However, in contrast to this interview, the Office Action enters a rejection of all claims, including Claims 11 and 12. It is requested for the Examiner to explain this change in position, since it appears to contravene an agreement reached at the October 4th interview.

Turning to the rejections, Applicants maintain their position that Claims 1 to 20 of Kurokami '769 are not seen to disclose or suggest the features of independent Claims 1, 17 and 20, and in particular, are not seen to disclose or suggest at least the feature of varying an input voltage of the converter and/or an intermediate voltage between the converter and the inverter so as to control a potential to the ground of the power supply while a switching operation of the inverter is continued.

In this regard, the Office Action improperly relies on the specification of Kurokami' 769 to make the obviousness-type double patenting rejection. In particular, the Response to Arguments on page 2 of the Office Action contends that Figure 3 of Kurokami '769 "meets the structural limitation of the circuit." Reliance on Figure 3 of Kurokami '769 is improper in the context of an obviousness-type double patenting rejection.

"When considering whether the invention defined in a claim of an application is an obvious variation of the invention defined in the claim of a patent, the disclosure of the patent may not be used as prior art." *See* MPEP § 804 (p. 800-22, emphasis added). As contrasted with a rejection based on prior art, where it is incumbent to rely on the disclosure of the prior art, a rejection for obviousness-type double patenting must rely on the claims:

> "One significant difference is that a double patenting rejection must rely on a comparison with the claims in an issued or to be issued patent, whereas an obviousness rejection based on the same patent under 35 U.S.C. 102(e)/103(a) relies on a comparison with what is disclosed (whether or not claimed) in the same issued or to be issued patent. In a 35 U.S.C. 102(e)/103(a) rejection over a prior art patent, the reference patent is available for all that it fairly discloses to one of ordinary skill in the art, regardless of what is claimed. *In re Bowers*, 359 F.2d 886, 149 USPQ 570 (CCPA 1966)." MPEP § 804 (p. 800-29)

Claims 1 to 20 of Kurokami' 769 are seen to teach that, among other things, the controller blocks the gate of the inverter when the detector detects a ground fault. On the other hand, the present invention controls the potential to ground of the power supply

while a switching operation of the inverter is continued. Accordingly, based on the foregoing, independent Claims 1, 17 and 20 of the present invention are seen to differ non-obviously from the claims of Kurokami'769, and are believed to be allowable.

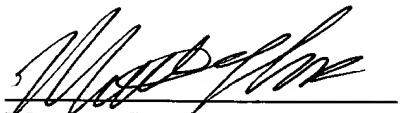
Moreover, even in the few situations where it might be permissible to rely on Kurokami's Figure 3 (none which are present here), the invention still would not have been obvious. In particular, Figure 4 depicts the operation of control circuit 40 of Figure 3, and teaches that the control circuit blocks the gate of the inverter (see Kurokami '769, Figure 4 step S6, column 9, line 39-42). On the other hand, the present invention controls the potential to ground of the power supply while a switching operation of the inverter is continued.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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